

Notice of Allowability

Application No.

10/626,630

Examiner

Allen C. Ho

Applicant(s)

BOWEN ET AL.

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 18 May 2006.
2. ☒ The allowed claim(s) is/are 1, 5-11, 13-16, 19 and 23-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No: _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

DETAILED ACTION

Allowable Subject Matter

1. Claims 1, 5-11, 13-16, 19, and 23-30 are allowed.
2. The following is an examiner's statement of reasons for allowance:

With regard to claims 1, 5-11, and 13-15, the prior art fails to disclose a device that comprises a plurality of substantially parallel planar blades that are stacked and spaced apart from one another to form a Soller slit having passages for the transmission of x-rays, the blades being constructed from glass sheets each having a thickness less than 250 μm and whose surfaces have a non-reflective treatment to absorb divergent x-rays that are not substantially parallel to the blades as claimed.

With regard to claims 16, 19, and 23-30, the prior art discloses a system that comprises a high-energy x-ray source, a high-energy collimating device, and a device for collecting x-ray radiation. However, the prior art fails to disclose a high-energy collimating device that comprise a plurality of substantially parallel planar blades that are stacked and spaced apart from one another to form passages for the transmission of x-rays, the blades being constructed from glass sheets each having a thickness less than 250 μm and whose surfaces have a non-reflective treatment to absorb divergent x-rays that are not substantially parallel to the blades as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

3. Applicant's arguments filed 18 May 2006 with respect to claim 16 have been fully considered and are persuasive. The objection of claim 16 has been withdrawn.

4. Applicant's arguments filed 18 May 2006 with respect to claims 5, 6, and 19 have been fully considered and are persuasive. The rejection of claims 5, 6, and 19 under 35 U.S.C. 112, second paragraph, has been withdrawn.

5. Applicant's arguments filed 18 May 2006 with respect to claims 1, 5, 6, 10, 13, and 15 have been fully considered and are persuasive. The rejection of claims 1, 5, 6, 10, 13, and 15 under 35 U.S.C. 102(b) as being anticipated by Tosswill *et al.* (U. S. Patent No. 4,125,776) has been withdrawn.

6. Applicant's arguments filed 18 May 2006 with respect to claims 16, 23-28, and 30 have been fully considered and are persuasive. The rejection of claims 16, 23-28, and 30 under 35 U.S.C. 103(a) as being as being unpatentable over Tosswill *et al.* (U. S. Patent No. 4,125,776) has been withdrawn.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Bowen *et al.* (U. S. Patent No. 6,881,965 B2) disclosed a multi-foil optic.

Art Unit: 2882

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen C. Ho whose telephone number is (571) 272-2491. The examiner can normally be reached on Monday - Friday from 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward J. Glick can be reached on (571) 272-2490. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Allen C. Ho

Allen C. Ho, Ph.D.
Primary Examiner
Art Unit 2882

10 June 2006